

5) Remarks

The Applicant and the undersigned attorney thank the Examiner for reconsidering the present application and the new claim set presented herewith. Further consideration of the application is requested in view of the following.

Before discussing the merits of the case, the examiner's attention is directed to the reference to several copending applications owned by the assignee of the present invention that disclose similar subject matter. Attention is especially directed to U.S. patent application serial no. 09/476,386 titled "A Computer-Implemented Method for Providing a Consumer-to-Consumer Payment Service" filed on December 30, 1999, as this case makes reference to the term FLASH CASH and has claims directed to certain aspects thereof.

It is noted that the specification of the present application makes occasional reference to the term "FLASH CASH." For example, the term appears, among other places, in FIGS. 6B, 6C, 6D, 8, 10, 11A, 11B, and 11C, and in the text on page 9, line 8, and on page 23, line 16. Although such references to the term are useful to some degree as a label, it is noted for the record that such a characterization might be misleading as it fails to consider the inventive aspects of the invention. The applicants would therefore like to state for the record that any characterization of aspects of the invention as "flash cash" is not meant to be limiting, as the limits are defined by the claims, but is intended solely for the purpose of general conceptual summary and as an aid in understanding the subject matter for which a patent is sought.

Turning to the merits of the case, new claims 16-159 are presented for entry and consideration. The examiner will hopefully understand, from the following, that the new claims are directed to the same primary subject matter as the original claims, but are believed to be more cohesive and integral, and should hopefully highlight aspects of the invention believed novel and patentable. As an aid to the examiner in considering the new claims, the following brief description/summary of certain aspects of the subject matter for which a patent is sought is provided, as presented in the various new independent claims. It should be understood that this summary is being presented not by way of limitation, or formal characterization, or to be subject to an estoppel, as the following summaries are for the convenience of the examiner in ascertaining the differences between the subject matter of the claims, so as to thereby facilitate examination.

Claim 16 and its associated dependent claims are directed, among other things, to aspects of a method for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with method steps particularly applicable to the money transfer system.

Claim 42 and its associated dependent claims are directed, among other things, to aspects of a system for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with operations particularly applicable to the money transfer system.

Claim 68 and its associated dependent claims are directed, among other things, to aspects of a method for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, including steps relating to determination of the payment amount in the buyer local currency, with method steps particularly applicable to the money transfer system.

Claim 92 and its associated dependent claims are directed, among other things, to aspects of a system for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, including operations relating to determination of the payment amount in the buyer local currency, with operations of the system particularly applicable to the money transfer system.

Claim 116 and its associated dependent claims are directed, among other things, to aspects of a method for effecting a cash payment from a buyer to a seller in connection with an electronic transaction, with method steps recited for various payment system components in addition to the money transfer system, and including steps relating to determination of the payment amount in the buyer local currency.

Claim 138 and its associated dependent claims are directed, among other things, to aspects of a system for effecting a cash payment from a buyer to a seller in connection with an electronic transaction, reciting various payment system components in addition to the money transfer system, and including operations relating to determination of the payment amount in the buyer local currency.

The *Walker et al.* patent, cited by the examiner, does not disclose, teach, or suggest the claimed invention(s), either taken alone or together with any known international trade type computer networks of which the examiner took "official notice" as regards currency

conversion. First of all, the applicants are not claiming the known remote cash payment location system (such as the WESTERN UNION® system) *by itself*, nor are they claiming that currency conversion *per se* is novel, nor are they claiming invention in the notion of electronic means for making payment of an Internet transaction. Rather, it is the unique combination of steps and/or elements recited in the claims that is submitted as being novel and unobvious—no art teaches or suggests the combination of using a remote payment location system (such as the WESTERN UNION® system) to effect a payment in connection with an electronic transaction, as recited in claims 16 and 42. Likewise, no art teaches or suggests the foregoing remote agent payment system aspects together with a currency conversion type operation based on buyer information supplied by the buyer, as recited in claims 68, 92, 116 and 138. Secondly, the *Walker et al.* reference describes a conditional purchase offer buyer agency system, and does not provide any relevant teachings as regards payment systems for online commerce, other than the known use of a credit card. All that this patent shows is that a credit card processor 120 (FIG. 1, FIG. 2; col. 9, lines 1–16) can be used to effect payment in connection with a conditional purchase offer type electronic transaction. It makes no mention or suggestion of a remote payment location type cash payment/money transfer system and the issues that must be addressed in adapting such a payment system for use in online commerce—the present invention indeed addresses such issues in a novel fashion, and should be entitled to receive a patent.

It is submitted that the new claims recite inventions that are novel and non-obvious over any of the art cited by the Examiner, as no art teaches or discloses the claimed aspects of methods and systems for effecting payment in connection with a computerized transaction utilizing a money transfer system, with an actual payment collected from a buyer at a payment location associated with the money transfer system, as shown and described in this application, and as recited in the claims submitted herein.

Thus, the foregoing is submitted as a full and complete response to the Office Action mailed July 3, 2003 and is believed to place all claims in the application in condition for allowance.

If the Examiner believes that there are any issues that can be resolved by telephone conference, or if there are any informalities that may be addressed by an Examiner's amendment, please contact the undersigned at (404) 233-7000.

Serial No. 09/604,523
Atty. Docket 10722-31970

Respectfully submitted,



By: John R. Harris
Reg. No. 30,388

OFFICIAL

MORRIS, MANNING & MARTIN, LLP
3343 Peachtree Rd. NE
1600 Atlanta Financial Center
Atlanta, GA 30326
(404) 233-7000

**RECEIVED
CENTRAL FAX CENTER**

OCT 06 2003

Docket: 10722-31970
#107440

4) Record of Interview

The applicants would like to thank Examiner Fults for his helpful comments and suggestions during the personal interview with the undersigned on August 26, 2003.

Pursuant to 37 C.F.R. § 1.133(b), the following description is submitted as a complete written statement of the reasons presented at the interview as warranting favorable action. The following statement is intended to comply with the requirements of MPEP § 713.04 and expressly sets forth: (A) a brief description of the nature any exhibit shown or any demonstration conducted; (B) identification of the claims discussed; (C) identification of specific prior art discussed; (D) identification of the principal proposed amendments of a substantive nature discussed; (E) the general thrust of the principal arguments; and (F) a general indication of any other pertinent matters; and (G) the general results or outcome of the interview, if appropriate.

(A) A sketch of the system described in the patent application was shown to the examiner (basically FIG. 1).

(B) The independent claims were discussed in general, but not specifically. The undersigned indicated that amendments would be presented.

(C) The *Walker et al.* patent (6,356,878) was discussed during the interview.

(D) No proposed amendments were presented or discussed.

(E) The general thrust of the discussion was as set forth below in the next paragraphs.

(F) No other matters were discussed.

(G) No agreement was reached during the interview regarding the claims.

The general thrust of the discussion was the undersigned's brief explanation of the inventive concepts for which a patent is sought in this case—which might be summarized (by way of generalization but not limitation) as a method and system for effecting payment, particularly a cash payment, in connection with a computerized transaction, especially an Internet type transaction—and how the *Walker et al.* patent did not disclose, teach, or suggest the invention(s) claimed.

During the interview, the undersigned generally described various aspects of the subject matter for which a patent was sought, for example, aspects of a system for effecting a

Serial No. 09/604,525
Atty. Docket 10722-31970

payment from a buyer to a seller in connection with an online (e.g. Internet) transaction, utilizing a payment method wherein a buyer/purchaser utilizes a cash payment/money transfer system such as, but not limited to, the WESTERN UNION® payment system, and the methods of operating such a cash payment system to serve as a payment system for the transactions. As mentioned in the Interview Summary prepared by the examiner (paper no. 8), one aspect of the invention for which a patent is sought is the determination at a payment location (e.g. a payment agent at a remote location in the WESTERN UNION® payment system) of the amount due from the buyer, by accessing the money transfer system's database with a confirmation number.

No agreement was reached during the interview, with the undersigned agreeing to submit a formal amendment.

In the event that the foregoing record is not considered complete and accurate, the Examiner is respectfully requested to bring any incompleteness or inaccuracy to the attention of the undersigned.